



June 12, 2007

United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

Washington, DC
20250

Animal and Plant Health Inspection Service Anti-Harassment Policy Statement

This Anti-Harassment Policy Statement reaffirms my commitment to prohibit sexual and non-sexual harassment in APHIS. Managers, supervisors, and employees must remain cognizant of this policy and continue to refrain from perpetuating acts of harassment.

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual; has the purpose or effect of creating an intimidating, hostile, or offensive work environment; unreasonably interferes with work performance, or otherwise adversely affects employment opportunities. Harassing conduct includes, but is not limited to epithets, slurs, negative stereotyping, threatening, intimidating, or hostile acts, written or verbal comments, or graphic material to denigrate or show hostility or aversion toward an individual or group.

Employees seeking relief from harassment based on sex, with or without sexual conduct, race, color, religion, national origin, age, disability, sexual orientation, marital or parental status must contact the Civil Rights Enforcement and Compliance Alternative Dispute Resolution Center (1-800-342-7231) within 45 days of an alleged incident. All other allegations of harassment should be reported to supervisors, managers, or the Workplace Violence Prevention and Response Hotline (1-866-234-3174).

All claims of harassment must be resolved before they become severe or pervasive. Complaints of harassment may be expressed by an employee, applicant, or service recipient without fear of retaliation. All acts of retaliation must be reported immediately through the appropriate forum. All allegations will be investigated, and any individual(s) found to have violated prohibitions on harassment will be subject to disciplinary action. Upon resolution of claims of harassment, the program area managers must ensure that such acts do not recur.

Enforcement guidance from the Equal Employment Opportunity Commission on employer liability for acts of harassment states that ***"An employer is always liable for harassment by a supervisor on a prohibited basis that culminates in a tangible employment action."*** Tangible employment actions include: hiring and firing; promotion and failure to promote; demotion; undesirable reassignment; a decision causing significant change in benefits; compensation decisions; and work assignment. The guidance also provides that ***"in some circumstances, an employer may be subject to vicarious liability for harassment by a supervisor who does not have actual authority over the employee."***

Managers must disseminate this policy statement to all supervisors and provide copies to the employees. This policy and the ***EEOC Enforcement Guidance, Notice 915.002 Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors*** are located on the CREC website at aphis.usda.gov/oa/crec. APHIS managers are encouraged to participate in training that is offered annually within the Agency to prevent unlawful harassment. Prevention is the most effective tool to successfully eliminate harassment in the workplace.

W. Ron DeHaven
Administrator



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